IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Dated Nainital the 9th November, 2005
Bail application no. 931 of 2005

1 Khushi Singh @ Khushendra Singh
s/o Santan Singh r/o village Kalatha,
Pattii Badalpur, Tehsil Lansdown
District Pauri Garhwal
2 Virendra Kumar s/o Kali Ram
R/o village Devalkhet,Patti-Talla Badalpur
Tehsil Lansdown District Pauri Garwhal
3 Nandan Singh alias Natthu s/o Ludi Singh
R/o village Naganya Khachchar Bari,
Patti-Talla Badalpur
Tehsil Lansdown District Pauri Garwhal
4 Manoj s/o Kundan Lal
R/o village Silvad, Patti-Talla Badalpur
District Pauri Garhwal
5 Balu alias bBalam Singh s/o Girdhari Singh
R/o village Dhoudiya, Patti, Talla Dhoudiyal
District Pauri Garhwal
6 Viru @ Virendra Thapa s/oHeera Lal
Village Kaletha Patti Badalpur
Tehsil Lansdown District Pauri Garwhal
7 Kishori Lal s.o Geeta Ram,
R/o village Sukoli,
Patii, Talla Badalpur,
Tehsil Lansdown District Pauri Garwhal
8 Chandi Prasad s/o Ram Chandra @ Ram Prasad
R/o Village Biltiya
Patii, Talla Badalpur,
Tehsil Lansdown District Pauri Garwhal
9 Mukesh s/o Diwakar Prasad
r/o village Devikhet, Patti Talla Badalpur
Tehsil Landwown
District Pauri Garhwal
10 Rattan Singh @ Ratan Lal, s/oPuran Singh
R/o village Tilwad, Patti – Talla Badalpur,
Tehsil Landswon
District Pauri Garhwal
11 Shishupal s/o Late Gaje Singh
R/o Village Simalsaria,
Patti Talla Badalpur Tehisl Lansdown
District Pauri Garhwal and other Applicants

Versus

State of Uttaranchal Opposite Party

Arising out of Case Crime No. 4 of 2005
Under Section 302 / 201 / 506/120/B/ 147 IPC
PS Talla Badalpur-III, Tehsil Lansdown District Pauri Garhwal

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No.4/2005 Under Sections 302/201/506/120-B/147 of IPC P.S. Talla Badalpur-III Tehsil Lansdown, District Pauri Garhwal.

Heard Sri Lalit Tiwari learned counsel appearing on behalf of the applicants, learned AGA and perused the record.

The record shows that the incident had taken place on 16.7.2005 and the First Information Report of the incident was lodged by the father of one of the deceased on 2.8. 2005.

The learned AGA has submitted that statement of one of the eye witnesses namely Prem Singh was recorded on 4.8. 2005 under Section 164 Cr.P.C. while the statement of another eye witness Ramesh Prasad was recorded by the Investigating Officer on 4.9. 2005. No satisfactory explanation has been put forward to show as to why these eye witness kept silence for quite a long time.

It is worthwhile to mention here that the dead bodies have not been recovered as yet.

All the applicants are in jail since August 2005 and the learned AGA could not show their criminal history.

Having considered the aforesaid facts and circumstances of the case . I think it would be just and proper to release the applicants on bail at this stage.

Let the applicants be released on bail on their executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of JM concerned.

(B.C. Kandpal, J.)

9.11.2005
nbj